

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Joseph Dale Rackley**

**Docket No. 5:08-CR-128-1D**

**Petition for Action on Supervised Release**

COMES NOW Maurice J. Foy, Sr. U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Joseph Dale Rackley, who, upon an earlier plea of guilty to Possession of Child Pornography; 18 U.S.C. § 2252(a)(4)(B), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge on September 15, 2008, to the custody of the Bureau of Prisons for a term of 97 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of life.

Joseph Dale Rackley was released from custody on June 22, 2015, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant is currently on supervised release as a result of Possession of Child Pornography. The Eastern District of North Carolina Probation Office no longer requires defendant's to abide by the rules and regulations of the NCE Sex Offender Program. Instead, the probation office has tailored specific additional conditions to meet the needs of each offender. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision that he and the probation officer both believe will help him be successful while completing his term of supervised release.

**PRAYING THAT THE COURT WILL ORDER** the removal of the North Carolina Eastern Sex Offender Program Condition that was previously ordered by the court and supervised release be modified as follows:

1. At the direction of the U.S. Probation Officer, the defendant shall consent to the installation of systems or software that will allow the probation officer or designee to monitor computer use on any computer that the defendant owns or is authorized to use. The defendant shall pay the costs of this monitoring.
2. The defendant shall not associate or have verbal, written, telephonic, or electronic communications with any person under the age of eighteen (18), except: (1) in the presence of the parent or legal guardian of said minor; (2) on the condition that the defendant notifies the parent or legal guardian of the defendant's conviction or prior history; and (3) with specific, written approval from the U.S. Probation Officer. This provision does not encompass persons under the age of eighteen with whom the defendant must deal in order to obtain ordinary and usual commercial services (e.g., waiters, cashiers, ticket vendors, etc.).
3. The defendant shall not possess any legal or illegal pornographic material, including any materials depicting and/or describing "child pornography" and/or "simulated" child pornography as defined in 18 U.S.C. § 2256, nor shall the defendant enter any location where such materials can be accessed, obtained, or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.

**Joseph Dale Rackley**  
**Docket No. 5:08-CR-128-1D**  
**Petition For Action**  
**Page 2**

4. The defendant shall not have any social networking accounts without the approval of the U.S. Probation Officer.
5. The defendant shall not purchase, possess, or control any cameras, camcorders, or movie cameras without prior approval of the U.S. Probation Office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/Maurice J. Foy  
Maurice J. Foy  
Sr. U.S. Probation Officer  
310 New Bern Avenue Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8678  
Executed On: July 20, 2015

**ORDER OF THE COURT**

Considered and ordered this 20 day of July, 2015 and ordered filed and  
made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
Chief U.S. District Judge